

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 2005-11348 and
NO. 2005-11603 (Consolidated)**

**JOSEPH SCHMITT,
Plaintiff,**

v.

**ROBERT MURPHY, ET AL.,
Defendants.**

**DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

NOW COME the Defendants, Robert D. Clauss, David Leonard, Mark Dare, Steven Fairly, Robert Murphy, Robert J. Waitkevich, Kathleen M. Dennehy, and Timothy Hall (collectively, the "Defendants"), by and through undersigned counsel, and hereby move this honorable Court to extend the time for serving a responsive pleading to Plaintiff's Motion for Summary Judgment, up to and including December 28, 2007.

As reasons therefore, counsel states he is scheduled to represent the Commonwealth of Massachusetts in a G.L.c. 123A, section 9 Superior Court jury trial: *Verdigo v. Commonwealth*, Middlesex No. MICV2002-01411, Unified Session No. SUCR2002-11338, currently scheduled to begin trial in Plymouth Superior Court (Brockton) on Wednesday, December 12, 2007. These trials are extremely fact intensive and require significant preparation.

This delay in responding to the complaint will in no way prejudice the plaintiff's lawsuit.

Respectfully Submitted
by Defendants Murray, Brady and Henry,

NANCY ANKERS WHITE
Special Assistant Attorney General

by: s/ BRENDAN J. FRIGAULT
Brendan J. Frigault, Counsel
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Dated: December 7, 2007

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the attached document to be served upon the Petitioner through intra-facility mail.

Joseph Schmitt, M81137
Massachusetts Treatment Center
30 Administration Rd.
Bridgewater, MA 02324

s/ BRENDAN J. FRIGAULT
Brendan J. Frigault

Dated: December 7, 2007